THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1332 of 2007

Date: 30.11.2007

Between:

Mudda Sudhakar and others.

....Petitioners

And

The Principal Secretary and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1332 of 2007

ORDER:

Petitioners are the owners of houses abutting Ananthagiri-Alampally road in Vikarabad Town. The respondents issued proceedings, dated 29.09.2006, to widen the road to 100 feet. The grievance of the petitioners is that without even taking steps to acquire the affected portion, parts of the buildings are sought to be demolished. They assert their ownership rights over the buildings in their possession.

The Revenue Department, on the one hand, and the Roads and Buildings Department, on the other, filed separate counter affidavits. The gist of the same is that the width of the road, in question, is 100 feet from the inception and over a period of time, encroachments have taken place. It was alleged that since the original width of the road is being restored, the necessity to initiate proceedings under the Land Acquisition Act (for short 'the Act') or to pay the compensation, does not exist.

Heard Sri Vijay Kumar Heroor, the learned counsel for the petitioners, the learned Government Pleader for Revenue and the learned Government Pleader for Roads

& Buildings.

The respondents proceeded on the basis that the width of the road, in question, is 100 feet from the beginning, even as per the authenticated maps. If this were to have been true and correct, the writ petition deserved to be rejected. Since some doubt had arisen, as to the authenticity of the documents, relied upon by the respondents, this Court directed verification of the matter, with reference to the original records, available with the Survey and Settlement Department. Such a verification revealed that the actual width of the road is only 60 feet. The respondents realized the same and have taken corrective steps, in the form of publication of notification under Section 4(1) of the Act on 12.11.2007. With these developments, the grievance of the petitioners virtually stands redressed.

Therefore, the Writ Petition is allowed and the proceedings, dated 29.09.2006 and other consequential proceedings, dated 18.01.2007, are set aside, taking on record the fact that the width of the road is only 60 feet and that the respondents have already taken steps to acquire the land, that is needed to widen the said road. There shall be no order as to costs.

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30.11.2007

JSU